



## POLS 4710E American Constitutional Law II: Civil Rights and Civil Liberties

University of Georgia, Fall 2022

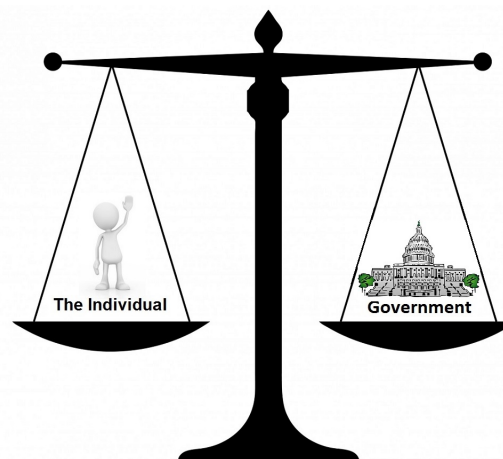
Instructor: Barry C. Edwards, J.D., Ph.D.

### Course Description

This course focuses on the U.S. Constitution's Bill of Rights. To better understand the scope of liberties protected by the U.S. Constitution, we will study the U.S. Constitution and Supreme Court decisions that illustrate the application of constitutional principles to real world problems.

As a general matter, one can view the Bill of Rights as an accommodation between individual liberties and the collective interests of society. We want to be free to pursue happiness in our homes without the government telling us how to raise our children, worship, or express ourselves, but we also want our neighborhoods to be safe. We value both individual and collective interests, but sometimes these values come into conflict. Accordingly, in this class, we'll look at how the U.S. Constitution strikes a balance between individual and government interests.

**Virtual Office Hours**  
Sundays, 1-3pm. Simply call me directly at (321) 394-8868 between 1 and 3pm on any Sunday during the semester. At other times, you can contact me via email, [bce@uga.edu](mailto:bce@uga.edu).



While it is not always easy to discern the scope of rights and liberties protected by the U.S. Constitution, it is important to remember that the balance between individual liberties and collective interests has, in manner significant respects, already been debated, decided, and documented in the U.S. Constitution. Our personal, political opinions, which change from one year to the next, are largely irrelevant. Indeed, our country has made certain principles part of its Constitution, which is very difficult to amend, to prevent us from changing the terms of our social contract as often as we change our mind about political leadership. This idea was eloquently expressed by U.S. Supreme Court Justice Robert Jackson in *West Virginia State Board of Education v. Barnette* (U.S. 1942) (holding mandatory flag salute unconstitutional):

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and the establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

So, if you're asked on the final exam whether a high school student has the constitutional right to write an article advocating drug use in the school newspaper, the answer doesn't depend on whether you like what the student wrote or would recommend doing something like that. The extent of a student's free speech rights is a constitutional question not a matter of personal opinion. We can look for an answer in the Bill of Rights and Supreme Court decisions that help balance individual rights against government interests.

### Technical Requirements of the Course

If you are able to access the Internet on a regular basis, you meet the technical requirements for the course. It is important that you have reliable Internet service, particularly as the tests are time sensitive. You also need a reliable laptop or desktop computer. I would not suggest taking tests or quizzes on your phone.

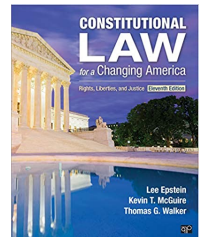
## Course Objectives

The objective of this course is to introduce you to the important role that the United States Constitution has in orienting American politics and governance. With this end in mind, we will explore the Constitution, its various interpretations, and the role of the judiciary in constitutional application, examples of the influence it has had on the function of government, and the case law that has emanated from its interpretation. The objectives of this class include the following:

- Understand key constitution terms and concepts
- Understand historically significant Supreme Court decisions
- Analyze historical trends in Supreme Court composition and decision making
- Evaluate and apply constitutional precedents
- Apply legal reasoning to complex hypothetical problems
- Engage in discussion and deliberation of constitutional issues
- Improve writing and critical thinking skills
- Build collaboration skills and practice professional work habits

## Required Course Textbook

Lee Epstein, Kevin McGuire and Thomas G. Walker. *Constitutional Law for a Changing America: Rights, Liberties, and Justice, Eleventh Edition*. (Thousand Oaks, CA: CQ Press, an Imprint of Sage Publications, Inc. 2019). ISBN-13: 978-1544391250, ISBN-10: 1544391250.



\*\*Make sure you buy the right textbook (see cover image) not similarly titled textbooks for other classes by the same authors or prior editions of this textbook. \*\* [See on Amazon \(Links to an external site.\)](#).

## Online Learning Environment:

This course is hosted on UGA eLC. If you have any issues at any point, make sure to contact:

- EITS Help Desk: [helpdesk@uga.edu](mailto:helpdesk@uga.edu) or 706.542.3106. Business hours are 8am - 10pm (Mon-Thurs), 8am-6pm (Fri), and 1pm-7pm (Sat-Sun)
- Go the [University System of Georgia Desire2Learn Online Help Center](#). From this site, you can search the Knowledge Base, browse popular articles, or click the link for live support (24x7x365) in the scrolling news area.

## Grading and Assignments

Your grade for this course will be determined by your scores on weekly module quizzes (45% of overall grade), weekly small group discussions (25% of overall grade), and the final exam (30% of overall grade).

There are no extra credit assignments in this class. Note this now so that you are properly motivated to achieve your grade goal.

You can use your textbook and notes during module quizzes and the final exam. Even though they are open book, given that they are time limited (and they will remain so – only those students with accommodations may seek extended time), you need to be prepared and knowledgeable or you will not be able to complete the test in the time allowed.

Grade	From %	To %
F	0	59.49
D	59.5	69.49
C-	69.5	72.49
C	72.5	77.49
C+	77.5	79.49
B-	79.5	82.49
B	82.5	87.49
B+	87.5	89.49
A-	89.5	92.49
A	92.5	100

## Learning Activities

This course uses a variety of types of content to help you learn the material. In addition to the textbook, you'll have the opportunity to discuss constitutional law with classmates and take practice quizzes. You'll watch videos and explore some different web sites. I enjoy learning about the real people involved in the cases we read so I've included a number of videos profiling litigants and attorneys.

## Course Outline and Assignment Schedule

There are 15 numbered course modules, one for each week of the semester. So Module 1 is for the first week of class, Module 2 is for the second week of class, and so forth.

Week/Module	Dates (open - due)	Textbook Reading (pages)
1. Introduction to U.S. Constitution and U.S. Supreme Court	Aug. 22 - 28	3-10, 11-44, 677-688
2. Judicial Review and the Incorporation Doctrine	Aug. 29 - Sept. 4	45-66, 67-88
3. Free Exercise of Religion	Sept. 5 - 11	91-94, 95-126
4. The Establishment Clause	Sept. 12 - 18	126-180
5. Freedom of Expression: Development of Standards	Sept. 19 - 25	181-202
6. Freedom of Expression: Content and Contexts	Sept. 26 - Oct. 2	203-262
7. The Boundaries of Free Expression	Oct. 3 - 9	287-328
8. Freedom of the Press and New Media Regulations	Oct. 10 - 16	263-286

9. The Right to Privacy	Oct. 17 - 23	341-396
10. Rights of the Accused: Investigations and Evidence	Oct. 24 - 30	399-404, 405-462
11. Rights of the Accused: Attorneys, Trials, and Punishments	Oct. 31 - Nov. 6	463-512
12. Race Discrimination & Foundations of Equal Protection	Nov. 7 - 13	515-522, 523-556
13. Development of Equal Protection Standards	Nov. 14 - 20	557-600,
14: Contemporary Equal Protection Issues	Nov. 21 - 27	600-616
15: Voting Rights and Representation	Nov. 28 - Dec. 4	617-674
Final Exam Module/Week	Dec. 5 - 11	

To help you establish a successful routine, this class follows a simple weekly schedule:

- **Mondays** - Start studying course material for module
- **Thursdays** - Small group discussions post due before 11:59 pm
- **Fridays** - Small group discussions replies due before 11:59 pm
- **Saturdays** - Try practice quiz (recommended, does not affect grade)
- **Sundays** - Module quizzes due before 11:59 pm

Course assignments are outlined in more detail on the eLC course site. Be sure to check modules for supplemental course material, like streaming videos, assigned in addition to textbook readings.

### Academic Honesty and Student Conduct

This course follows all policies related to [Academic Honesty](#) and [Student Code of Conduct](#) as outlined by the University of Georgia. All students are responsible for maintaining the highest standards of honesty and integrity in every phase of their academic careers. For related information on University policy, see A Culture of Honesty at the University of Georgia issued by the Office of the Vice President for Instruction.

I encourage you to study course material with other students and learn together. Your discussion posts, module quizzes, and final exam must, however, be your own work. Telling other students answers to quiz or exam questions is cheating. Copying someone else's writing and posting it as if you wrote it is academic dishonesty. If you're not sure if what you're doing is learning or cheating, please ask for clarification.

### Late Work Policy

Late work will be penalized 10% of the assignment value per day late. For example, if you receive a score of 9 out of 10 on a quiz two days after it was due (i.e. you took a quiz due Sunday on Tuesday instead), your score will be reduced by 2 points (20% of 10 points), so you will receive a 7 out of 10 on that quiz. You will receive no credit for work complete ten or more days after its due date.

I will waive lateness deductions if you submit an assignment late due to one of the following reasons:

- The eLC is not available (major server outages)
- Unforeseeable medical (e.g. COVID), personal, or family emergency
- Active duty military responsibilities
- Travel for University events (like UGA sports and tournaments)
- Religious observances

I may ask for documentation. I know things don't always go as planned and try to be reasonable and fair to all students.

Incomplete grades are given only in situations where unexpected emergencies prevent a student from completing the course and the remaining work can be completed the next semester. Your instructor is the final authority on whether you qualify for an incomplete.

### Disability Statement

The University of Georgia is committed to providing reasonable accommodations for all persons with disabilities. Students with disabilities who need accommodations in this course must notify the professor at the beginning of the semester regarding needed accommodations. Students who need accommodations must be registered with University student support services.

### Professionalism Policy

Follow university policy and basic rules of etiquette in all your course interactions. When you participate in small group discussions, please refrain from using offensive language or making personal attacks. You are encouraged to make constructive criticisms and present opposing viewpoints in a respectful and professional manner.

### Third-Party Software and FERPA

During this course you might have the opportunity to use public online services and/or software applications sometimes called third-party software such as a blog or wiki. While some of these could be required assignments, you need **not** make any personally identifying information on a public site. Do not post or provide any private information about yourself or your classmates. Where appropriate you may use a pseudonym or nickname. Some written assignments posted publicly may require personal reflection/comments, but the assignments will not require you to disclose any personally identity-sensitive information. If you have any concerns about this, please contact your instructor.

## Copyright

This course may contain copyright protected materials such as audio or video clips, images, text materials, etc. These items are being used with regard to the Fair Use doctrine in order to enhance the learning environment. Please do not copy, duplicate, download or distribute these items. The use of these materials is strictly reserved for this online classroom environment and your use only.

## Agreement

By taking the course online, you also enjoy the opportunity to fit this course into your own schedule and adapt the course to your learning style. However, the freedom of an online class requires more personal responsibility on your part.

By enrolling in this course, you agree to adhere to these policies linked above and to do your best to be a good, productive, and honest student. You also agree to work with Dr. Edwards to make sure that you have a positive learning experience and a rewarding course outcome and that you will not neglect to stay on top of your work. Nor will you interact with your peers to collaborate on any exams, essays or projects unless they are clearly designated as group projects or work.

## Coronavirus Information for Students

UGA adheres to guidance from the University System of Georgia and the recommendations from Georgia Department of Public Health (DPH) related to quarantine and isolation. Since this may be updated periodically, we encourage you to review the latest guidance here. The following information is based on guidance last updated on December 29, 2021.

**Face coverings.** Following guidance from the University System of Georgia, face coverings are recommended for all individuals while inside campus facilities.

**How can I obtain the COVID-19 vaccine?** University Health Center is scheduling appointments for students through the UHC Patient Portal ([https://patientportal.uhs.uga.edu/login\\_dualauthentication.aspx](https://patientportal.uhs.uga.edu/login_dualauthentication.aspx)). Learn more here – <https://www.uhs.uga.edu/healthtopics/covid-vaccine>. The Georgia Department of Health, pharmacy chains and local providers also offer the COVID-19 vaccine at no cost to you. To find a COVID-19 vaccination location near you, please go to: <https://georgia.gov/covid-vaccine>. In addition, the University System of Georgia has made COVID-19 vaccines available at 15 campuses statewide and you can locate one here: <https://www.usg.edu/vaccination>

**What do I do if I have COVID-19 symptoms?** Students showing COVID-19 symptoms should self-isolate and get tested. You can schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5p.m.). Please DO NOT walk-in. For emergencies and after-hours care, see <https://www.uhs.uga.edu/info/emergencies>.

**What do I do if I test positive for COVID-19? (Isolation guidance)** If you test positive for COVID-19 at any time, either through a PCR test, an Antigen test, or a home test kit, you are required to report it through the DawgCheck Test Reporting Survey. Follow the instructions provided to you when you report your positive test result in DawgCheck. As of December 29, 2021, when an individual receive a positive COVID-19 test: Everyone, regardless of vaccination status, should:

- Stay home for 5 days.
- If you have no symptoms or your symptoms are resolving after 5 days, you can leave your house and return to class.
- Continue to wear a mask around others for 5 additional days.

**What do I do if I have been exposed to COVID-19? (Quarantine guidance)** If you have been exposed (within 6 feet for a cumulative total of 15 minutes or more over a 24- hour period – unmasked\*\*) to someone with COVID-19 or to someone with a positive COVID-19 test and you are:

- Boosted, or have become fully vaccinated within the last 6 months (Moderna or Pfizer vaccine) or within the last 2 months (J&J vaccine)
  - o You do not need to quarantine at home and may come to class.
  - o You should wear a mask around others for 10 days.
  - o If possible, get tested on day 5.
  - o If you develop symptoms, get tested and isolate at home until test results are received, then proceed in accordance with the test results.
- Unvaccinated, or became fully vaccinated more than 6 months ago (Moderna or Pfizer vaccine) or more than 2 months ago (J&J vaccine) and have not received a booster:
  - o You must quarantine at home for 5 days. After that you may return to class but continue to wear a mask around others for 5 additional days.
  - o If possible, get tested on day 5.
  - o If you develop symptoms, get tested and isolate at home until test results are received, then proceed in accordance with the test results.


You should report the need to quarantine on DawgCheck (<https://dawgcheck.uga.edu/>), and communicate directly with your faculty to coordinate your coursework while in quarantine. If you need additional help, reach out to Student Care and Outreach ([sco@uga.edu](mailto:sco@uga.edu)) for assistance.


\*\* "Masked-to-masked" encounters are not currently considered an exposure; this type of interaction would not warrant quarantine.


**Well-being, mental health, and student support.** If you or someone you know needs assistance, you are encouraged to contact Student Care & Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu/>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services. UGA has several resources to support your well-being and mental health: <https://well-being.uga.edu/> Counseling and Psychiatric Services (CAPS) is your go-to on-campus resource for emotional, social and behavioral health support. <https://care.uga.edu/> TAO Online Support

your go-to, on-campus resource for emotional, social and behavioral health support: <https://caps.uga.edu/>, TAO Online Support (<https://caps.uga.edu/tao/>), 24/7 support at 706-542-2273. For crisis support: <https://healthcenter.uga.edu/emergencies/>. The University Health Center offers FREE workshops, classes, mentoring and health coaching led by licensed clinicians or health educators: <https://healthcenter.uga.edu/bewelluga/>

**Monitoring conditions:** Note that the guidance referenced in this syllabus is subject to change based on recommendations from the Georgia Department of Public Health, the University System of Georgia, or the Governor's Office. For the latest on UGA policy, you can visit [coronavirus.uga.edu](https://coronavirus.uga.edu).




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Activity Details	Learning Objectives	Completion Summary
<div><div> Visibility</div><div> Required: Automatic </div><div>View this topic to complete the activity</div></div>		

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